

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLENIX MARTIN,)	8:08CV117
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DENNIS BAKEWELL, Warden,)	
et al.,)	
)	
Respondents.)	

It has come to the court's attention that Petitioner in this matter, Clenix Martin, may be deceased. See John Ferak, *Omaha Man Dies of Gunshots*, Omaha World Herald, May 12, 2008, available at http://www.omaha.com/index.php?u_page=2798&u_sid=10333017. When a habeas corpus petitioner dies, "there can be no future collateral consequences flowing from his imprisonment, [and] his collateral attack is moot." *McMillin v. Bowersox*, 102 F.3d 987 (8th Cir. 1996).

IT IS THEREFORE ORDERED that:

1. No later than July 7, 2008, Respondents shall conduct an investigation and submit to the court a statement regarding whether Petitioner is, in fact, deceased.
2. The Clerk of the court shall set a pro se case management deadline in this case with the following text: July 7, 2008: Respondent's statement regarding Petitioner due.

June 9, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge